

## **Record of Proceedings**

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<b>CALL TO ORDER</b>	A regular meeting of the Council Bluffs City Council was called to order Monday, December 8, 2008 at 7:00 p.m. by Mayor Tom Hanafan.
<b>ATTENDANCE</b>	Council members present: Scott Belt, Lynne Branigan, Matt Schultz, Matt Walsh. Mayor Tom Hanafan Absent: Darren Bates Staff present: Richard Wade, City Attorney; and Judith Ridgeley, City Clerk
<b>INTRODUCTIONS</b>	Mr. Rick Burns, Elk Horn, Iowa, was present and updated City Council on the Sister City in Karadah, Bagdad, Iraq.
<b>CONSENT AGENDA</b>	Belt and Branigan moved and seconded approval of the Consent Agenda as read. Unanimous
<b>PUBLIC HEARINGS</b> Ordinance 6016	Held public hearing regarding Ordinance 6016, request for rezoning from A-2/Parks, Estates and Agricultural to I-1/Light Industrial for property located at 4725 Navajo. Walsh and Belt moved and seconded to concur with the recommendations of Planning Commission to rezone subject property to I-1/Light Industrial, subject to the extension of water service to the property. Unanimous
Ordinance 6017	Held public hearing regarding Ordinance 6017, amending the zoning map for property located west of Simms Avenue at Dillman Drive from R-1/Single Family Residential to R-3/Low Density Multi-Family Residential with a P-R/Planned Residential Overlay for Colonial Village Apartment and Townhome Villas. Belt and Branigan moved and seconded approval of Ordinance 6017. Unanimous
Ordinance 6018	Held public hearing regarding Ordinance 6018, amending the zoning map for the former Playland Park site, located from North 40 <sup>th</sup> Street to the Missouri River levee between Avenue B and Interstate 480 right-of-way, from R-4/High Density Multi-Family Residential with a PR/Planned Residential overlay; and A-2/Parks, Estates and Agriculture District to R-4/High Density Multi-Family residential District with a PR/Planned Residential overlay and A-2/Parks, Estates and Agricultural District for River's Edge Subdivision. Branigan and Walsh moved and seconded approval of Ordinance 6018. Unanimous
Resolution 08-357	Held public hearing regarding the disposal of excess City right-of-way located between Avenues F and G and between Curtis and North 6 <sup>th</sup> Streets. Branigan and Belt moved and seconded approval of Resolution 08-357. Unanimous
Resolution 08-358	Held public hearing for approving the plans specifications, form of contract and cost estimate for the Avenue G Viaduct/Corridor Project. Walsh and Branigan moved and seconded approval of Resolution 08-358. Unanimous
<b>ORDINANCES ON FIRST READING</b> Ordinance 6019	Branigan and Belt moved and seconded approval of Ordinance 6019, providing that the targeted jobs withholding credit collected each year in connection with certain property located within the Amended Old

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Airport Urban Renewal Area, be paid into a designated account in the special fund previously established by Ordinance 5912, and set public hearing for 7:00 p.m. on January 12, 2009. Unanimous

**Ordinance 6020**

Branigan and Walsh moved and seconded approval of Ordinance 6020, providing that the targeted jobs withholding credit collected each year in connection with certain property located within the Amended Manawa Business Park Urban Renewal Area, be paid into a designated account in the special fund previously established by Ordinance 5924, and set public hearing for 7:00 p.m. on January 12, 2009. Unanimous

**RESOLUTIONS**  
**08-356**

Walsh and Belt moved and seconded approval of Resolution 08-356, authorizing the Mayor to execute a document entitled "Consent to transfer" to assist in the transfer of property between Union Pacific Railroad, Midwest Walnut and Red Giant Oil. Unanimous

**08-359**

Walsh and Belt moved and seconded approval of Resolution 08-359, intent to dispose of City property legally described as the south 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Bayliss 1<sup>st</sup> Addition and setting public hearing for January 12, 2009 at 7:00 p.m. Unanimous

**08-360**

Mr. Ron Ross, Snyder and Associates, 1751 Madison Avenue, was present in support of the Resolution. Mr. Harold Prince, 136 DeLong Avenue also appeared in favor of the proposed development. Mr. Ron Kunz, 357 Elmwood Drive appeared in opposition. Schultz and Belt moved and seconded to continue Resolution 08-360 until the regular meeting of January 12, 2009 at 7:00 p.m. Branigan called for the vote: 2 Aye (Schultz, Belt), 2 Nay (Branigan, Walsh). Motion failed. Walsh and Branigan moved and seconded to incorporate the changes in the design plan as outlined in a letter to City Council dated December 5, 2008, and attached to Resolution 08-360. Unanimous

**08-361**

Branigan moved approval of Resolution 08-361, granting preliminary plan approval for River's Edge Subdivision. Walsh seconded. 3 Aye, 1 Nay (Belt)

**08-362**

Branigan moved approval of Resolution 08-362, adopting a Planned Residential Development Plan for River's Edge Subdivision. Walsh seconded. 3 Aye, 1 Nay (Belt)

**08-363**

Belt moved approval of Resolution 08-363, approving FY 2009-10 Capital Improvement Program for sales tax, downtown streetscape, and Playland sanitary sewer projects. Branigan seconded. Unanimous

**08-364**

Belt moved approval of Resolution 08-364, authorizing the Mayor to execute an agreement with Snyder & Associates for engineering services in connection with the 2<sup>nd</sup> Avenue pump station/trunk sewer. Branigan seconded. Unanimous

**8-365**

Belt moved approval of Resolution 08-365, authorizing the mayor to execute an agreement with the Schemmer Associates for engineering services in connection with the Lower Bennett

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- Rehabilitation project, Phase I. Branigan seconded. Unanimous
- 08-366 Belt moved approval of Resolution 08-366, authorizing the Mayor to execute an agreement with Ehrhart Griffin & Associates for engineering services in connection with the 31<sup>st</sup> Street Improvements Project, Phase III, Avenue A to Avenue E. Branigan seconded. Unanimous
- 08-367 Belt moved approval of Resolution 08-367, authorizing the Mayor to execute an agreement with Schemmer Associates for engineering services in connection with the South 32<sup>nd</sup> Street Sanitary Sewer Improvements. Branigan seconded. Unanimous
- 08-368 Belt and Branigan moved and seconded approval of Resolution 08-368, authorizing the Mayor and City Clerk to execute an agreement with HGM & Associates for engineering services in connection with the South 32<sup>nd</sup> Street Sanitary Sewer Improvements. Unanimous
- 08-369 Belt and Walsh moved and seconded approval of Resolution 08-369, approving Change Order #1 for the digester cover repair adding \$104,908.71 to the original contract amount. Unanimous
- 08-370 Walsh and Schultz moved and seconded approval of Resolution 08-370, adopting the Playland Park Master Plan, Amendment I. 3 Aye, 1 Nay (Belt)
- 08-371 Branigan moved approval of Resolution 08-371, authorizing the Mayor to submit an application to the Iowa Department of Economic Development Department (IDED) for U.S. department of Housing and Urban Development (HUD) Neighborhood Stabilization Program (NSP) funds. Belt seconded. Unanimous
- 08-372 Belt moved approval of Resolution 08-372, authorizing designation of part of the south side of the 100 Block of West Broadway as a Brownfield Redevelopment Area as defined by the U.S. Environmental protection Agency (EPA). Branigan seconded. Unanimous
- 08-373 Branigan moved approval of Resolution 08-373, authorizing the Mayor to execute a \$328,300 special purpose economic development initiative (EDI) grant agreement and other necessary documents with the U.S. Department of Housing and urban Development for the Sunset Park North Neighborhood Redevelopment Project. Belt seconded. Unanimous
- 08-374 Schultz and Belt moved and seconded approval of Resolution 08-373, accepting the work of Collins Properties, Inc., for the Mid-City Trail Grading, Phase I Project and authorizing the Finance Director to issue a City check in the amount of \$3,222.30. Unanimous
- 08-375 Walsh and Branigan moved and seconded approval of Resolution 08-375, authorizing the Mayor to execute Amendment #1 to the development agreement with Porter homes, Inc., for Lots 1,2,3,4,5, and 6 in Porter's Park Side Subdivision. Unanimous
- 08-376 Belt and Schultz moved and seconded approval of Resolution 08-

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376, authorizing the Mayor to execute a development agreement with BP Quality Homes LLC for Lots 7,8,9,10,11 and 12 in Porter's Park Side Subdivision. Unanimous

08-377

Belt and Walsh moved and seconded approval of Resolution 08-377, authorizing submission of Amendment #1 to EZ Agreement 08-HEZ-024 to the Iowa Department of Economic Development (IDED) by the Council Bluffs Enterprise Zone Commission and Porter Homes, Inc., for Enterprise Zone benefits. Unanimous

Resolution 08-378

Walsh and Schultz moved and seconded approval of Resolution 08-378, authorizing the Mayor to execute an agreement between the City of Council Bluffs, the Council Bluffs Industrial Foundation, Inc., and the Gable Corporation. Unanimous

**RECEIVE AND FILE ITEMS**

Walsh and Schultz moved and seconded to receive and file two Notices of Claim/Loss. Unanimous

**APPLICATIONS FOR  
PERMITS OR  
CANCELLATIONS**

Belt and Branigan moved and seconded approval of liquor license renewal for HyVee #2 and Skeeter Barnes Steaks. Unanimous

Belt and Walsh moved and seconded approval of the liquor license renewal for Goofy's, on the condition that the plan presented to City Council will be followed and disturbances at the establishment will cease. 3 Aye, 1 Nay (Schultz)

**OTHER BUSINESS**

Branigan moved to clear the slate of previous recommendations for a position on the Iowa West Foundation Board of Directors, and for Councilmembers to present their recommendations to Mayor Hanafan before 12:00 p.m. on December 11, 2008. Walsh seconded the motion. Unanimous

**ADJOURNMENT**

There being no further business to come before City Council, Belt and Branigan moved and seconded to adjourn at 8:09 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

ATTEST:

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Thomas P. Hanafan, Mayor

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Judith H. Ridgeley, City Clerk